

Animal and Plant Health Inspection Service, USDA

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[28 FR 5986, June 13, 1963, as amended at 57 FR 29785, July 7, 1992. Redesignated at 58 FR 47031, Sept. 7, 1993]

PART 97—OVERTIME SERVICES RELATING TO IMPORTS AND EXPORTS

Sec.

97.1 Overtime work at laboratories, border ports, ocean ports, and airports.

97.2 Administrative instructions prescribing commuted traveltime.

AUTHORITY: 7 U.S.C. 8301-8317; 49 U.S.C. 80503; 7 CFR 2.22, 2.80, and 371.4.

§ 97.1 Overtime work at laboratories, border ports, ocean ports, and airports.¹

(a) Any person, firm, or corporation having ownership, custody, or control

of animals, animal byproducts, or other commodities or articles subject to inspection, laboratory testing, certification, or quarantine under this subchapter and subchapter G of this chapter, and who requires the services of an employee of the Animal and Plant Health Inspection Service on a Sunday or holiday, or at any other time outside the regular tour of duty of the employee, shall sufficiently in advance of the period of Sunday or holiday or overtime service request the Animal and Plant Health Inspection Service inspector in charge to furnish the service and shall pay the Government at the rate listed in the following table, except as provided in paragraphs (a)(1), (a)(2), and (a)(3) of this section:

OVERTIME FOR INSPECTION, LABORATORY TESTING, CERTIFICATION, OR QUARANTINE OF ANIMALS, ANIMAL PRODUCTS OR OTHER REGULATED COMMODITIES

Outside the employee's normal tour of duty	Overtime rates (per hour)		
	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays	\$48.00	\$49.00	\$51.00
Sundays	63.00	65.00	67.00

(1) For any services performed on a Sunday or holiday, or at any time after 5 p.m. or before 8 a.m. on a weekday, in connection with the arrival in or departure from the United States of a private aircraft or private vessel, the total amount payable shall not exceed \$25 for all inspection services performed by the Customs Service, Immigration and Naturalization Service, Public Health Service, and the Department of Agriculture;

(2) Owners and operators of aircraft will be provided service without reimbursement during regularly established hours of service on a Sunday or holiday; and

(3) The overtime rate to be charged owners or operators of aircraft at airports of entry or other places of inspection as a consequence of the operation of the aircraft, for work performed outside of the regularly established hours of service is listed in the following table:

OVERTIME FOR COMMERCIAL AIRLINE INSPECTION SERVICES¹

Outside the employee's normal tour of duty	Overtime rates (per hour)		
	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Monday through Saturday and holidays	\$39.00	\$40.00	\$41.00

¹For designated ports of entry for certain animals, animal semen, poultry, and hatching eggs see 9 CFR §§ 93.102, 93.203, 93.303,

93.403, 93.503, 93.703, and 93.805 and for designated ports of entry for certain purebred animals see 9 CFR §§ 151.1 through 151.3.

OVERTIME FOR COMMERCIAL AIRLINE INSPECTION SERVICES¹—Continued

Outside the employee's normal tour of duty	Overtime rates (per hour)		
	Oct. 1, 2003–Sept. 30, 2004	Oct. 1, 2004–Sept. 30, 2005	Beginning Oct. 1, 2005
Sundays	51.00	53.00	55.00

¹ These charges exclude administrative overhead costs.

(b) A minimum charge of 2 hours shall be made for any Sunday or holiday or unscheduled overtime duty performed by an employee on a day when no work was scheduled for him or her, or which is performed by an employee on his or her regular workday beginning either at least 1 hour before his or her scheduled tour of duty or which is not in direct continuation of the employee's regular tour of duty. In addition, each such period of Sunday or holiday or unscheduled overtime work to which the 2-hour minimum charge applies may include a commuted traveltime period (CTT) the amount of which shall be prescribed in administrative instructions to be issued by the Administrator, Animal and Plant Health Inspection Service for the areas in which the Sunday or holiday or overtime work is performed and such period shall be established as nearly as may be practicable to cover the time necessarily spent in reporting to and returning from the place at which the employee performs such Sunday, holiday or overtime duty. With respect to places of duty within the metropolitan area of the employee's headquarters, such CTT period shall not exceed 3 hours. It shall be administratively determined from time to time which days constitute holidays. The circumstances under which such CTT periods shall be charged and the percentage applicable in each circumstance are as reflected in the following table:

	Actual time ¹ charge—no minimum	2-hour guarantee charge	Com-muted ² traveltime (CTT) charge
Charges for Inspection Within Metropolitan Area of Employee's Headquarters			
Work beginning before daily tour begins: 8 to 59 minutes.	Yes	No	None.

	Actual time ¹ charge—no minimum	2-hour guarantee charge	Com-muted ² traveltime (CTT) charge
60 to 119 minutes.	Yes	½ CTT.
120 minutes or more.	Yes	Full CTT.
Work beginning after daily tour ends: Direct continuation.	Yes	No	None.
Break-in-service of: 2–29 minutes	Yes	None.
30–60 minutes.	Yes	½ CTT.
61 minutes or more.	Yes	Full CTT.

Charges for Inspection Services Performed Outside Metropolitan Area of Employee's Headquarters

Work beginning before daily tour begins: 8 to 59 minutes.	Yes	No	½ CTT.
60 minutes or more.	.....	Yes	Full CTT.
Work beginning after daily tour ends: Direct continuation.	Yes	No	½ CTT.
2–59 minutes	No	Yes	½ CTT.
60 minutes or more.	No	Yes	Full CTT.

Charges for Call Out Inspection Service on Holiday or Nonworkday

Work beginning at any time.	No	Yes	Full CTT.
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¹ Actual time charged when work is contiguous with the daily tour will be in quarter hour multiples, with service time of 8 minutes or more rounded up to the next quarter hour and any time of less than 8 minutes will be disregarded.

² The full CTT allowance will be the amount of commuted traveltime prescribed for the place at which the inspections are performed. See part 97.2. One-half CTT is ½ of the full CTT period.

(c) As used in this section—

(1) The term *private aircraft* means any civilian aircraft not being used to transport persons or property for compensation or hire, and

(2) The term *private vessel* means any civilian vessel not being used (i) to

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transport persons or property for compensation or hire, or (ii) in fishing operations or in processing of fish or fish products.

(d)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity acting as an agent or broker by requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service inspector on behalf of any other person, firm, partnership, corporation, or other legal entity (principal), and who has not previously requested such service from an Animal and Plant Health Inspection Service inspector, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection Service inspector will estimate the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal and Plant Health Inspection Service will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

(3) The prepayment must be in some guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the Animal and Plant Health Inspection Service determines that the agent, broker, or principal has established an acceptable credit history.

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service inspector.

(e)(1) Any principal, or any person, firm, partnership, corporation, or other legal entity requesting Sunday, holiday, or overtime services of an Animal and Plant Health Inspection Service inspector, and who has a debt to the Animal and Plant Health Inspection Service more than 60 days delinquent, must pay the inspector before service is provided.

(2) Since the payment must be collected before service can be provided, the Animal and Plant Health Inspection

Service inspector will estimate the amount to be paid. Any difference between the inspector's estimate and the actual amount owed to the Animal and Plant Health Inspection Service will be resolved as soon as reasonably possible following the delivery of service, with the Animal and Plant Health Inspection Service either returning the difference to the agent, broker, or principal, or billing the agent, broker, or principal for the difference.

(3) The prepayment must be in some guaranteed form, such as money order, certified check, or cash. Prepayment in guaranteed form will continue until the debtor pays the delinquent debt.

(4) For security reasons, cash payments will be accepted only from 7 a.m. to 5 p.m., and only at a location designated by the Animal and Plant Health Inspection Service inspector.

(f) Reimbursable Sunday, holiday, or overtime services will be denied to any principal, or any person, firm, partnership, corporation, or other legal entity who has a debt to the Animal and Plant Health Inspection Service more than 90 days delinquent. Services will be denied until the delinquent debt is paid.

[38 FR 28814, Oct. 17, 1973, as amended at 42 FR 1455, Jan. 7, 1977; 49 FR 1176, Jan. 10, 1984; 49 FR 12191, Mar. 29, 1984; 50 FR 723, Jan. 7, 1985; 52 FR 16823, May 6, 1987; 53 FR 52992, Dec. 30, 1988; 54 FR 13516, Apr. 4, 1989; 55 FR 3198, Jan. 31, 1990; 55 FR 41059, Oct. 9, 1990; 56 FR 1082, Jan. 11, 1991; 58 FR 32434, June 10, 1993; 62 FR 56025, Oct. 28, 1997; 67 FR 48523, July 25, 2002; 68 FR 51882, Aug. 29, 2003]

§ 97.2 Administrative instructions prescribing commuted traveltime.

Each period of overtime and holiday duty as prescribed in § 97.1 shall in addition include a commuted traveltime period for the respective ports, stations, and areas in which employees are located. The prescribed computed traveltime periods are as follows:

COMMUTED TRAVELTIME ALLOWANCES [In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Alaska:			
Anchorage	1
Do	Palmer	3

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COMMUTED TRAVELTIME ALLOWANCES—
Continued
[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Arizona:			
Douglas .....	.....	1	.....
Do	Nogales .....	.....	6
Do	Phoenix .....	.....	6
Do	Sierra Vista .....	.....	3
Naco	Douglas .....	.....	2
Do	Nogales .....	.....	4
Do	Phoenix .....	.....	6
Do	Sierra Vista .....	.....	2
Nogales .....	.....	1	.....
Do	Douglas .....	.....	6
Do	Phoenix .....	.....	6
Do	Sierra Vista .....	.....	3
San Luis	Phoenix .....	.....	6
Do	Yuma .....	.....	2
Sasabe	Douglas .....	.....	6
Do	Nogales .....	.....	4
Do	Phoenix .....	.....	6
Do	Sierra Vista .....	.....	6
Do	Tuscon .....	.....	3
California:			
Calexico	San Ysidro .....	.....	6
Edwards Air Force Base	Los Angeles .....	.....	4
Los Angeles and Los Angeles International Airport	San Bernardino .....	.....	5
Do	Los Angeles	2	.....
Los Angeles Harbor, San Pedro, including Long Beach, Wilmington, and Terminal Island	Los Angeles .....	.....	2
March Field .....	.....do .....	.....	5
Mexicali	Calexico .....	.....	1
Newport Beach .....	.....do .....	.....	4
Ontario .....	.....do .....	.....	3
Ramona	San Ysidro .....	.....	2
Sacramento .....	.....	1	.....
Do	San Francisco .....	.....	5
San Diego .....	.....	1	.....
Do	San Ysidro .....	.....	2
San Francisco including, Alameda, Richmond, Pittsburg, and other ports in San Francisco and San Pablo Bay areas .....	.....	2	.....
San Louis Obispo	San Pedro .....	.....	6
San Ysidro .....	.....	1	.....
Stockton	San Francisco .....	.....	4
Colorado:			
Stapleton International Airport, Denver	Arvada	1	.....
Do	Aurora .....	.....	2

COMMUTED TRAVELTIME ALLOWANCES—
Continued
[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Connecticut:			
Bradley International Airport	Westerly, RI .....	.....	5
Do	Wilmington .....	.....	1
Bradley International Airport, Windsor Locks	Ashford .....	.....	1
Do	Hartford	2	.....
Do	N. Stonington, CT .....	.....	4
Do	Waterbury, CT .....	.....	3
Delaware:			
Wilmington	Dover .....	.....	3
Florida:			
Jacksonville .....	.....	2	.....
Miami .....	.....	2	.....
Port Everglades	Miami .....	.....	2
St. Petersburg	Tampa .....	.....	2
Do	Miami .....	.....	6
Tampa .....	.....	2	.....
Do	Miami .....	.....	6
Georgia:			
Atlanta International Airport	Acworth .....	.....	3
Do	Carrollton .....	.....	3
Do	Covington .....	.....	3
Do	Forsyth .....	.....	3
Port of Brunswick	Savannah .....	.....	4
Port of Savannah .....	.....do	2	.....
Port of St. Mary's .....	.....do .....	.....	6
Hawaii:			
Kawaihae	Waimea .....	.....	1
Hilo .....	.....do .....	.....	3
Honolulu, including Aiea, Barber's Point Naval Air Station, Honolulu International Airport, West Loch, Middle Loch, East Loch, Pearl City and Waipahu .....	.....	2	.....
Idaho:			
Boise	Caldwell or Middleton .....	.....	2
Eastport	Bonniers Ferry .....	.....	2
Do	Spokane, WA .....	.....	6
Illinois:			
Chicago .....	.....	3	.....
Do	Geneseo .....	.....	6
Do	Kirkland .....	.....	4
Springfield .....	.....	2	.....
Indiana:			
Indianapolis .....	.....	1	.....
Do	Anderson	2
Do	West Lafayette	3
Iowa:			
Ames	1
Kentucky:			
Standiford Field	Frankfort	3

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COMMUTED TRAVELTIME ALLOWANCES— Continued [In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Do	Louisville	1	.....
Louisiana:			
Acadian Re-	Abbeville .....	.....	2
gional Airport,			
New Iberia.			
Any point below	Baton Rouge .....	.....	4
Chalmette			
and on the			
East Bank,			
Belle Chasse,			
LA, and			
points to and			
including Port			
Sulphur on			
the west bank.			
Any point on the	.....do .....	.....	2
Mississippi			
River above			
the St.			
Charles-Jef-			
ferson Parish			
boundary to			
and including			
Gramercy.			
Morgan City ....	.....do .....	.....	5
New Orleans in-	.....do .....	.....	4
cluding Orle-			
ans Parish			
and all points			
on the east			
bank of the			
Mississippi			
River from the			
St. Charles-			
Jefferson Par-			
ish boundary			
to and includ-			
ing			
Chalmette,			
LA, and all			
points on the			
west bank			
from the St.			
Charles-Jef-			
ferson Parish			
boundary to			
but excluding			
Belle Chasse,			
LA.			
Undesignated	.....do .....	.....	3
ports.			
Maine:			
Bangor	Augusta .....	.....	3
Do	Newport .....	.....	1
Houlton		1	.....
Jackman	Augusta .....	.....	6
Do	Bangor .....	.....	5
Do	Newport .....	.....	5
Port of Portland	Augusta .....	.....	3
Do	Bangor .....	.....	6
Do	Concord, NH .....	.....	4
Maryland:			
Baltimore:		3	.....
Largo	Bowie	2	.....
Do	Owings Mills	3	.....
Do	Easton .....	.....	4
Laurel	Bowie	2	.....
Do	Owings Mills	3	.....

COMMUTED TRAVELTIME ALLOWANCES— Continued [In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Do	Easton .....	.....	4
Massachusetts:			
Boston		3	.....
Do	Grafton .....	.....	4
Do	Loudon, NH .....	.....	5
Do	N. Attleboro .....	.....	4
Do	Westerly, RI .....	.....	4
Mexico:			
Ciudad Acuna ..	Del Rio, TX .....	.....	1½
Juarez	El Paso, TX .....	.....	1
Nuevo Laredo ..	Laredo, TX .....	.....	1½
Ojinaga	Presidio, TX .....	.....	1
Piedras Negras	Eagle Pass, TX ...	.....	1
Reynosa (Pharr	Hidalgo, TX .....	.....	1
International			
Bridge).			
San Jeronimo ...	El Paso, TX .....	.....	2
Michigan:			
Detroit		3	.....
Do	Beaverton .....	.....	6
Do	Chelsea .....	.....	3
Do	Clara .....	.....	6
Do	Kalamazoo .....	.....	5
Do	Lansing .....	.....	4
Do	Port Huron .....	.....	4
Port Huron		1	.....
Do	Beaverton .....	.....	6
Do	Chelsea .....	.....	6
Do	Clara .....	.....	6
Do	Detroit .....	.....	3
Do	Lansing .....	.....	5
Do	Kalamazoo .....	.....	6
Minnesota:			
Minneapolis/St.		2	.....
Paul Inter-			
national Air-			
port.			
Do	Rochester .....	.....	3
Do	Princeton .....	.....	3
Noyes	Pembina .....	.....	1
Missouri:			
Kansas City	Jefferson .....	.....	6
International			
Airport.			
St. Louis Airport	Beaufort .....	.....	3
St. Louis Zoo-	.....do .....	.....	3
logical Park.			
Montana:			
Bozeman		1	.....
Bozeman Lab-	Bozeman	1	.....
oratory.			
Great Falls Air-	Great Falls	1	.....
port.			
Do	Helena .....	.....	5
Helena		1	.....
Port of Opheim	Plentywood .....	.....	5
Do	Opheim .....	.....	1
Port of Ray-	Plentywood	1	.....
mond.			
Do	Raymond .....	.....	1
Port of	Great Falls .....	.....	5
Sweetgrass.			
Do	Shelby	2
Do	Sunburst/	1
	Sweetgrass.		
Sweetgrass		1
Nebraska:			
Lincoln Airport ..		1

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COMMUTED TRAVELTIME ALLOWANCES—
Continued
[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
New Jersey:			
Newark Inter- national Air- port.	Hightstown	2	.....
Do	Mount Holly	3	.....
Do	Princeton	2	.....
Port of Salem ..	Hightstown	3½	.....
Do	Mount Holly	3	.....
Do	Princeton	4	.....
New Mexico:			
Columbus .....	.....	1	.....
Do	Las Cruces	4	.....
Port of Colum- bus.	Deming	2	.....
New York:			
Alexandria Bay ..	.....	1	.....
Buffalo .....	.....	2	.....
Do	Akron	2	.....
Champlain .....	.....	1	.....
Do	Highgate Springs, VT.	2	.....
Do	Milton, VT	3	.....
Do	Calais, VT	5	.....
Malone	Champlain	3	.....
Newburgh .....	.....	1	.....
Do	New York, NY	4	.....
New York .....	.....	3	.....
Niagara Falls ...	Akron	2	.....
Ogdensburg .....	.....	1	.....
Port of Albany ..	.....	1	.....
Rochester	Buffalo	4	.....
Rooseveltstown ..	Ogdensburg	2	.....
Rouses Point ...	Champlain	1	.....
Stewart Airport, Newburgh.	Albany	4	.....
North Carolina:			
Iredell	Franklin	6	.....
Do	Lumberton	6	.....
Do	Raleigh	6	.....
North Dakota:			
Dunseith	Minot	4	.....
Do	Pembina	6	.....
Minot .....	.....	1	.....
Peace Gardens ..	Bottineau	1	.....
Pembina .....	.....	1	.....
Do	Fargo	6	.....
Do	Valley City	6	.....
Portal .....	.....	1	.....
Do	Bismarck	6	.....
Do	Dickinson	6	.....
Do	Minot	4	.....
Ohio:			
Vandalia Dayton International Airport.	Greenville	2	.....
Do	Pickerington	3	.....
Wilmington	Greenville	4	.....
Do	Pickerington	3	.....
Oregon:			
Hermiston	Troutdale	6	.....
Portland	Salem	3	.....
Do	Sunny Valley	6	.....
Do	Tigard	2	.....
Do	Troutdale	2	.....
Pennsylvania:			
Harrisburg	Camp Hill	1	.....
Do	Morgantown	3	.....
Do	Northumberland ..	2	.....

COMMUTED TRAVELTIME ALLOWANCES—
Continued
[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Do	Shippensburg	3	.....
Philadelphia .....	.....	3	.....
Puerto Rico:			
Aquadilla .....	.....	2	.....
Salinas	San Juan	4	.....
San Juan .....	.....	2	.....
Tennessee:			
Fort Campbell, Clarkesville.	Nashville	2	.....
Memphis .....	.....	2	.....
Memphis	Gadsden	4	.....
Memphis	Jackson	4	.....
Nashville .....	.....	2	.....
Texas:			
Brownsville .....	.....	1	.....
Do	Laredo or San An- tonio.	6	.....
Brownsville and Brownsville International Airport.	Harlingen and San Benito.	1	.....
Do	McAllen or Edin- burg.	3	.....
Do	Weslaco	2	.....
Dallas–Fort Worth Inter- national Air- port.	Ft. Worth or Dal- las.	1	2
Del Rio .....	.....	1	.....
Do	Eagle Pass	3	.....
Do	Edinburg, McAllen or Mission.	6	.....
Do	Laredo or San An- tonio.	5	.....
Eagle Pass .....	.....	1	.....
Do	Del Rio	3	.....
Do	Edinburg, McAllen or Mis- sion.	6	.....
Do	Laredo or San An- tonio.	5	.....
El Paso .....	.....	1	.....
Do	Hatchita or Deming, NM.	6	.....
Do	Las Cruces, NM ..	3	.....
Forney	Corsicana	3	.....
Do	Ft. Worth	3	.....
Do	Tyler	3	.....
Harlingen	Edinburg, McAllen or Mission.	2	.....
Do	Weslaco	1	.....
Hidalgo	Brownsville	3	.....
Do	Edinburg, Mission and McAllen.	1	.....
Do	Harlingen	2	.....
Do	Lyford	2	.....
Do	Rio Grande City ...	2	.....
Houston (includ- ing Houston Interconti- nental Airport).	.....	2	.....
Laredo .....	.....	1	.....
Do	Brownsville or San Antonio.	6	.....
Do	Eagle Pass	5	.....
Do	McAllen, Edinburg or Mission.	6	.....
Presidio .....	.....	1	.....

COMMUTED TRAVELTIME ALLOWANCES—
Continued
[In hours]

Location covered	Served from	Metropolitan Area	
		Within	Outside
Do	El Paso .....	.....	6
Utah:			
Salt Lake City ..	Murray and Ogden.	2	.....
Vermont:			
Burlington International Airport.	Burlington	1	.....
Do	Milton .....	.....	1
Do	Calais .....	.....	3
Derby Line	Milton .....	.....	4
Do	Calais .....	.....	4
Highgate .....	.....	1	.....
Do	Milton .....	.....	2
Do	Calais .....	.....	4
Highgate Springs.	.....do .....	.....	1
Virginia:			
Dulles International Airport.	Annapolis, MD	3	.....
Do	Richmond .....	.....	5
Do	Warrenton .....	.....	3
Port of Richmond.	.....	2	.....
Washington:			
Blaine .....	.....	1	.....
Do	Seattle .....	.....	6
Lynden	Blaine .....	.....	2
Do	Seattle .....	.....	6
Moses Lake	Oroville, WA .....	.....	6
Do	Spokane .....	.....	5
Do	Wenatchee .....	.....	3
Do	Yakima .....	.....	4
Oroville .....	.....	1	.....
Sea-Tac Airport	Olympia .....	.....	3
Seattle .....	.....	2	.....
Sumas	Blaine .....	.....	2
Do	Olympia .....	.....	6
Do	Seattle .....	.....	6
Tacoma .....	.....do .....	.....	3
Yelm	Olympia .....	.....	2
Do	Seattle .....	.....	3
Wisconsin:			
Barron	Ripon .....	.....	6
Madison .....	.....	1	.....
Monroe	Madison .....	.....	3

[39 FR 41356, Nov. 27, 1974]

EDITORIAL NOTE: For FEDERAL REGISTER citations affecting §97.2, see the List of CFR Sections Affected, which appears in the Finding Aids section of the printed volume and on GPO Access.

PART 98—IMPORTATION OF CERTAIN ANIMAL EMBRYOS AND ANIMAL SEMEN

Sec.

98.1 Prohibition.

Subpart A—Ruminant and Swine Embryos from Regions Free of Rinderpest and Foot-and-Mouth Disease; and Embryos of Horses and Asses

98.2 Definitions.

98.3 General conditions.

98.4 Import permit.

98.5 Health certificate.

98.6 Ports of entry.

98.7 Declaration upon arrival.

98.8 Inspection.

98.9 Embryos refused entry.

98.10 Other importations.

98.10a Embryos from sheep in regions other than Australia, Canada, and New Zealand.

Subpart B—Ruminant and Swine Embryos from Regions Where Rinderpest or Foot-and-Mouth Disease Exists

98.11 Definitions.

98.12 General prohibitions.

98.13 Import permit.

98.14 Health certificate.

98.15 Health requirements.

98.16 The embryo collection unit.

98.17 Procedures.

98.18 Shipment of embryos to the United States.

98.19 Arrival and inspection at the port of entry.

98.20 Embryos refused entry.

98.21 Embryos from sheep in regions other than Australia, Canada, and New Zealand.

Subpart C—Certain Animal Semen

98.30 Definitions.

98.31 General prohibitions; exceptions.

98.32 Inspection of certain aircraft and other means of conveyance and shipping containers thereon; unloading, cleaning, and disinfection requirements.

98.33 Ports designated for the importation of certain animal semen.

98.34 Import permits for poultry semen and animal semen.

98.35 Declaration, health certificate, and other documents for animal semen.

98.36 Animal semen from Canada.